

Apr 29 2019 01:14pm

P004



CHRIS VILLEMARETTE **New Suit**
TRIAL LAWYER **MC**

A Limited Liability Company

3404 Moss Street
Lafayette, Louisiana 70507

CHRIS VILLEMARETTE*

February 1, 2019

*Also Licensed In Texas

Honorable Louis J. Perret
Lafayette Parish Clerk of Court
Post Office Box 2009
Lafayette, Louisiana 70502-2009

INDEXED

20190669 K

RE: Greenwood Shoes, Inc.
VS: Liberty Mutual Insurance Company
Our File No.: 18-022

DIV. "K"

CLERK OF COURT
LAFALETTE PARISH, LA.
2019 FEB -1 AM 11:36

Dear Mr. Perret:

Please find enclosed an original and two (2) copies of a Petition for Damages and Request for Notice of Trial Date. Please file these pleadings into the record. Thereafter, please withhold service on the defendants until further notice from my office. Also, please date stamp the additional copy and return same to my office.

I have also enclosed the Louisiana Civil Case Reporting for filing with the Office of the Judicial Administrator, Supreme Court of Louisiana. Further, please find enclosed my firm's check in the sum of \$400.00 to cover the costs of these requests.

With kindest regards, I remain

Sincerely,

Chris Villemarette

CV/dt

Enclosure: Original and 2 copies of a Petition for Damages; Request for Notice of Trial Date, Louisiana Civil Case Reporting sheet and Check 8538

STAMPED COPY GIVEN

337.232.3100 (tel)

email: cvillemarette@cvillemarette.com
Website: chrisvlaw.com

337.232.3188 (fax)

EXHIBIT A

Apr 29 2019 01:14pm

P005



GREENWOOD SHOES, INC.

15TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER

201900669 K

LIBERTY MUTUAL INSURANCE
COMPANY

PARISH OF LAFAYETTE

DIV. "K"

PETITION

NOW INTO COURT, through undersigned counsel, comes plaintiff,
GREENWOOD SHOES, INC., a domestic corporation authorized to do and doing
business in the State of Louisiana and which maintains its principal place of
business in Lafayette Parish, Louisiana makes this court to understand the
following:

INDEXED

1.

Made defendant herein is Liberty Mutual Insurance Company, a foreign
corporation authorized to do and doing business in the State of Louisiana and
which may be served through its agent for service of process Louisiana Secretary
of State 8585 Archives Avenue, Baton Rouge, Louisiana.

2.

At all times relevant, plaintiff maintained and operates a retail store
located at 434 Jefferson Street, Lafayette, Louisiana.

3.

Plaintiff maintained an insurance policy with defendant, Liberty Mutual
Insurance Company, policy number BZA (18) 57 14 91 68 which provided
coverage for damage to the business, merchandise, inventory, equipment and
other property owned by plaintiff.

4.

On February 4, 2017, the building located at 434 Jefferson Street,
Lafayette, Louisiana was damaged by a fire that started in the storeroom of the
establishment and caused extensive damage to the structure of the building and
the smoke from the fire caused serious damage to the merchandise, equipment
and other contents of the store.

CLERK OF COURT
LAFAYETTE PARISH, LA.
2019 FEB -1 AM 11:36

Apr 29 2019 01:15pm

P006

5.

Plaintiff has made demand upon Liberty Mutual Insurance Company for payment pursuant to the policies of insurance and made satisfactory proof of loss to defendant more than sixty (60) days prior to filing this suit.

6.

Defendant, Liberty Mutual Insurance Company, has initiated loss adjustment of the damage to the merchandise, equipment and contents of the building owned by plaintiff, but defendant, Liberty Mutual Insurance Company, has refused to pay to plaintiff for the damage to the merchandise, equipment and other contents of the building.

7.

Despite having made satisfactory proof of loss defendant, Liberty Mutual Insurance Company, more than sixty (60) days ago defendant has refused to pay plaintiffs nor make written offer to settle the claim within thirty (30) days of receipt of satisfactory proof of loss.

8.

Defendants' refusal to pay plaintiff for its loss and refusal to make a written offer to settle the claim is arbitrary, capricious and without probable cause and entitles plaintiff to statutory penalties and attorney's fees pursuant to Louisiana Revised Statute 22:1973 and 22:1892.

9.

Accordingly, defendant, Liberty Mutual Insurance Company, is liable unto plaintiff for the value of the damage to its merchandise, inventory, equipment and other contents of the building owned by plaintiff as well as statutory penalties and attorney's fees.

WHEREFORE, plaintiff, GREENWOOD SHOES, INC., prays that defendant, Liberty Mutual Insurance Company, be duly cited to appear and answer and after all legal delays and due proceedings had this court render judgment in favor of plaintiff condemning defendant to pay to plaintiff an amount as is reasonable in the premises together with statutory penalties, attorney's fees, legal interest from date of judicial demand until paid and all costs of these proceedings.

Apr 29 2019 01:15pm

P007

Respectfully submitted,

CHRIS VILLEMARETTE, L.L.C.



Chris Villemarette, Bar No.: 23347

3404 Moss Street

Lafayette, Louisiana 70507

(337) 232-3100 telephone

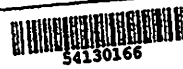
(337) 232-3188 facsimile

ATTORNEY FOR GREENWOOD SHOES, INC.

FILED THIS 1
DAY OF Feb, 20 19
Monica Comeaux
Deputy Clerk of Court

Apr 29 2019 01:15pm

PC08



GREENWOOD SHOES, INC.

15TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO:

LIBERTY MUTUAL INSURANCE
COMPANY

PARISH OF LAFAYETTE
STATE OF LOUISIANA

REQUEST FOR NOTICE OF TRIAL DATE

Please take notice that Chris Villemarette does hereby request, pursuant to Article 1571 of the Louisiana Code of Civil Procedure, Written Notice of the Trial Date of the above matter, as well as Notice of Hearing (whether on the merits or otherwise), Orders, Judgments, and interlocutory Decrees in any and all formal steps taken by the parties herein, the Judge, or any member of the Court, as provided in Louisiana Code of Civil Procedure, particularly, but not limited to Articles 1912, 1913, 1914, 1915, 1916, and 1917.

Respectfully submitted,

CHRIS VILLEMARETTE, L.L.C.

Chris Villemarette, Bar No.: 23347
3404 Moss Street
Lafayette, Louisiana 70507
(337) 232-3100 telephone
(337) 232-3188 facsimile
ATTORNEY FOR PLAINTIFF,
GREENWOOD SHOES, INC.

FILED THIS 1
DAY OF Feb., 2019
Monica Comeaux
Deputy Clerk of Court

Apr 29 2019 01:15pm

PC09

CHRIS VILLEMARETTE
TRIAL LAWYER

A Limited Liability Company

3404 Moss Street
Lafayette, Louisiana 70507

CHRIS VILLEMARETTE*

March 14, 2019

CLERK OF COURT
LAFAYETTE PARISH, LA
2019 MAR 18 AM



*Also Licensed in Texas

Honorable Louis J. Perret
Lafayette Parish Clerk of Court
Post Office Box 2009
Lafayette, Louisiana 70502-2009

RE: Greenwood Shoes, Inc.
VS: Liberty Mutual Insurance Company
Docket No.: 20190669 K
Our File No.: 18-022

Dear Mr. Perret:

Please attempt service of the Petition for Damages and Request for Notice of Trial Date on Liberty Mutual Insurance Company through their agent for service of process, Louisiana Secretary of State, 8585 Archives Avenue Baton Rouge, Louisiana 70809. I have enclosed a copy for your convenience.

I have confirmed with your accounting department that there are sufficient funds on account to cover this request.

With kindest regards, I remain

Sincerely,


Chris Villemarette

CV/dt

Enclosures: Conformed copy of Petition for Damages

FILED THIS 18
DAY OF Mar 2019
Keinta Delaboue
Deputy Clerk of Court

337.232.3100 (tel)

email: cvillemarette@cvillemarette.com
Website: chrsvilaw.com

337.232.3188 (fax)



Apr 29 2019 01:16pm

P010


 LAFPC.CV.54796248
 cc_krdelasbour

Ordered by Atty.: CHRIS VILLEMARETTE

CITATION**GREENWOOD SHOES INC****FIFTEENTH JUDICIAL DISTRICT COURT****VS****DOCKET NUMBER: C-20190669 K****LIBERTY MUTUAL INSURANCE CO****PARISH OF LAFAYETTE, LOUISIANA****STATE OF LOUISIANA**

TO: LIBERTY MUTUAL INSURANCE COMPANY
THROUGH THEIR AGENT FOR SERVICE OF PROCESS,
LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVENUE
BATON ROUGE, LA 70809

of the Parish of **EAST BATON ROUGE**

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, (exclusive of exhibits). You should file an answer or other pleading to said petition in the office of the Clerk of the FIFTEENTH JUDICIAL DISTRICT COURT, in the Lafayette Parish Courthouse, LAFAYETTE, Louisiana, within fifteen (15) days after the service hereof. Alternatively, your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

Witness the Honorable Judges of said Court, this MARCH 19, 2019.

Deputy Clerk of Court
 Lafayette Parish

*Attached are the following documents:
PETITION & REQUEST FOR NOTICE OF TRIAL DATE

SHERIFF'S RETURN
LAFAYETTE PARISH SHERIFF

DATE SERVED: _____, 20____ TIME: _____

SERVED: _____

PERSONAL () _____

DOMICILIARY () ON _____

UNABLE TO LOCATE _____ MOVED () _____ NO SUCH ADDRESS () _____

OTHER REASON: _____

RECEIVED TOO LATE FOR SERVICE () _____

SERVICE OF WITHIN PAPERS _____

COSTS FEE \$ _____ MILEAGE \$ _____ TOTAL \$ _____

DEPUTY _____

Apr 29 2019 01:16pm

P011

LAFFC.CV.54796248
co_krdelasbour

Ordered by Atty.: CHRIS VILLEMARETTE

CITATION**GREENWOOD SHOES INC****FIFTEENTH JUDICIAL DISTRICT COURT****VS****DOCKET NUMBER: C-20190669 K****LIBERTY MUTUAL INSURANCE CO****PARISH OF LAFAYETTE, LOUISIANA****STATE OF LOUISIANA**

**TO: LIBERTY MUTUAL INSURANCE COMPANY
THROUGH THEIR AGENT FOR SERVICE OF PROCESS,
LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVENUE
BATON ROUGE, LA 70809**

of the Parish of EAST BATON ROUGE

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, (exclusive of exhibits). You should file an answer or other pleading to said petition in the office of the Clerk of the FIFTEENTH JUDICIAL DISTRICT COURT, in the Lafayette Parish Courthouse, LAFAYETTE, Louisiana, within fifteen (15) days after the service hereof. Alternatively, your failure to comply herewith will subject you to the penalty of entry of default judgment against you. Witness the Honorable Judges of said Court, this MARCH 19, 2019.

Kerita Delabour
Deputy Clerk of Court
Lafayette Parish

*Attached are the following documents:
PETITION & REQUEST FOR NOTICE OF TRIAL DATE

**SHERIFF'S RETURN
LAFAYETTE PARISH SHERIFF**

DATE SERVED: _____, 20____ TIME: _____
SERVED: _____
PERSONAL () _____
DOMICILIARY () ON _____
UNABLE TO LOCATE () MOVED () NO SUCH ADDRESS ()
OTHER REASON: _____
RECEIVED TOO LATE FOR SERVICE () I made service on the named party through the _____
SERVICE OF WITHIN PAPERS _____
COSTS FEE \$ _____ MILEAGE \$ _____ by tendering a copy of this document to _____
DEPUTY _____

SHERIFF RETURN

Lafayette Parish Clerk of Court
Filed This Day

APR 10 2019

Martina Orsini
Deputy Clerk of Court

APR 04 2019
Office of the Secretary of State
TOTAL \$ _____
by _____
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

Apr 29 2019 01:17pm

P012

04-23-2019 4:32 PM

Fax: 504-589-9701

→ 13372916392

pg 1 of 5

\$172.00



Please see attached correspondence and Motion for Extension of Time for filing in connection with the referenced matter. Should you have any questions, please feel free to contact our office.

Gretchen Matherne

Legal Secretary to Catherine F. Giarrusso,
Christine M. Calogero and Chloé M. Chetta

BARRASSO USDIN KUPPERMAN FREEMAN & SARVER, L.L.C.

909 Poydras Street, Suite 2350 | New Orleans, LA 70112

Direct: 504-589-9737 | Main: 504-589-9700 | Fax: 504-589-9701

GMatherne@BarrassoUsdin.com | www.BarrassoUsdin.com

[Handwritten signature/initials]

Disclaimer

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FAX FILED THIS April
DAY OF 23, 2019
AT 4:30 A.M. (P.M.)
Hannah Moscovis
Deputy Clerk of Court

FAX

67

Apr 29 2019 01:17pm

P013

© 04-23-2019 4:32 PM

Fax: 504-589-9701

→ 13372916392

pg 2 of 5



BARRASSO · USDIN · KUPPERMAN
— FREEMAN & SARVER, L.L.C. —

Catherine Fornias Giarusso
Direct Dial: (504) 889-9767
E-Mail: cgiarusso@barrassousdin.com

0548-1565

April 23, 2019

VIA FACSIMILE (337) 291-6392
AND U.S. MAIL

Louis J. Perret, Clerk of Court
15th Judicial District Court
Parish of Lafayette
P. O. Box 2009
Lafayette, LA 70502

Re: *Greenwood Shoes, Inc. v. Liberty Mutual Insurance Company*
No. 19-0669, Div. K; 15th JDC, Parish of Lafayette

Dear Clerk:

Enclosed please find the original and one copy of American Fire and Casualty Company's Motion for Extension of Time for filing in the above-referenced matter. Also enclosed is our check for filing fees.

Please file-stamp the copy and return in the enclosed self-addressed stamped envelope provided for your convenience.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

Catherine Fornias Giarusso

CFG/gmm
Enclosures

cc: All Counsel (via e-mail with attachments)

504-589-9700 • FAX: 504-589-9701 • WWW.BARRASSOUSDIN.COM
909 POYDRAS STREET • SUITE 2350 • NEW ORLEANS, LOUISIANA 70112 1657457.1

Apr 29 2019 01:18pm

P014

© 04-23-2019 4:32 PM

Fax: 504-589-9701

→ 13372916392

pg 3 of 5



15TH JUDICIAL DISTRICT COURT FOR THE PARISH OF LAFAYETTE

STATE OF LOUISIANA

NO.: 2019-0669

DIVISION "K"

GREENWOOD SHOES, INC.

VERSUS

LIBERTY MUTUAL INSURANCE COMPANY

FILED: _____ DEPUTY CLERK

**AMERICAN FIRE AND CASUALTY COMPANY'S
MOTION FOR EXTENSION OF TIME**

Defendant American Fire and Casualty Company ("AFCC"), improperly named as "Liberty Mutual Insurance Company" hereby moves for an extension of time within which to respond to the above-referenced Petition for Damages through and including May 10, 2019, on the following grounds:

1.

Plaintiff served the Petition for Damages on AFCC through the Louisiana Secretary of State on April 4, 2019, thereby making responsive pleadings due April 19, 2019.

2.

Undersigned counsel recently received the Petition for Damages and has not had sufficient time to formulate a response.

3.

AFCC would like to respond adequately, but needs additional time to respond.

4.

Considering the time constraints mentioned above, AFCC requests that this Court grant it an extension of time through and including May 10, 2019, within which to file responsive pleadings. This extension will not unduly delay the hearing or determination of this case.

5.

AFCC appears solely to request an extension of time and reserves all rights it may have, including insufficiency of service of process.

1657063_1

Apr 29 2019 01:18pm

P015

© 04-23-2019 4:32 PM

Fax: 504-589-9701

+ 13372916392

pg 4 of 5

Respectfully Submitted,

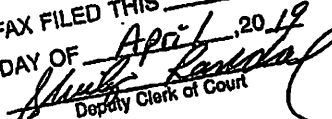

H. Minor Pipes, III, 24603
Catharina Formica Giannuso, 29875
BARRASSO USDIN KUPFERMAN
FREEMAN & SARVER, L.L.C.
909 Poydras Street, Suite 2350
New Orleans, Louisiana 70112
Telephone: (504) 589-9700
Facsimile: (504) 589-9701
mpipes@barrassousdin.com
cgiannuso@barrassousdin.com

Attorneys for American Fire and Casualty
Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all
counsel by electronic mail, facsimile and/or by placing same in the United States Mail, postage
prepaid and properly addressed, this 23rd day of April, 2019.



FAX FILED THIS 23rd.
DAY OF April, 2019

Deputy Clerk of Court

Apr 29 2019 01:19pm

P016

© 04-23-2019 4:32 PM

Fax: 504-589-9701

→ 13372916392

pg 5 of 5

15TH JUDICIAL DISTRICT COURT FOR THE PARISH OF LAFAYETTE

STATE OF LOUISIANA

NO.: 2019-0669

DIVISION "K"

GREENWOOD SHOES, INC.

VERSUS

LIBERTY MUTUAL INSURANCE COMPANY

FILED: _____ DEPUTY CLERK

ORDER

Considering the foregoing Motion for Extension of Time:

IT IS ORDERED that Defendant American Fire and Casualty Company be and hereby is granted an extension of time, through and including May 10, 2019, within which to respond to the Petition for Damages.

Lafayette, Louisiana this ____ day of _____, 2019.

JUDGE

1637065_1

Apr 29 2019 01:19pm

P017

LAFFPC.CV.55262398
cc_srandal

LOUIS J. PERRET
Clerk of Court, Lafayette Parish
P. O. BOX 2009
LAFAYETTE, LA 70502
Telephone: (337) 291-6400

APRIL 24, 2019

FACSIMILE TRANSMISSION RECEIPT

RE: GREENWOOD SHOES INC
VS
LIBERTY MUTUAL INSURANCE CO
DOCKET NUMBER: C-20190669 K

DATE FACSIMILE RECEIVED: APRIL 23, 2019
DESCRIPTION OF PLEADING: AMERICAN FIRE AND CASUALTY COMPANY'S MOTION FOR
EXTENSION OF TIME, ORDER
FILED ON BEHALF OF: AMERICAN FIRE AND CASUALTY CO.
ATTORNEY: CATHERINE FORNIAS GIARRUSSO
RECEIPT FAXED TO NUMBER: (504)589-9701

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above. In accordance with R.S. 13:850(B), the original must be received by our office within seven (7) days (exclusive of legal holidays) from the date the facsimile was received, along with a filing fee of \$72.00 which includes a transmission fee of \$5.00. ****Please note that this amount does not reflect any money that you may have on deposit in this matter. It is strictly the amount that is needed to file the above faxed pleading.****

****THE ABOVE DOES NOT APPLY IF YOU ARE PAUPER OR PUBLIC BODY****

IF YOU HAVE ANY QUESTIONS REGARDING COURT COST IN THIS MATTER, PLEASE CONTACT THE COST DEPARTMENT AT (337) 291-6314.

The Lafayette Parish Clerk of Court's office will not process from a facsimile filing. We will process from original documents only.

Receipt Acknowledged,


Deputy Clerk of Court
Lafayette Parish

Apr 29 2019 01:19pm

P018

* * Transmit Confirmation Report * *

P1

Apr 24 2019 12:20pm

Sender: QUEST
TTI:

TTI Number:

| Destination | Type | Mode | Start Time | Time | Page | Note | Result | Details |
|--------------|------|------|---------------|--------|------|------|--------|---------|
| 915045899701 | FAX | Fine | 04/24 12:19pm | 00'37" | 1 | | * O K | |

RECEIVED BY THE CLERK OF COURT, LAFAYETTE PARISH
LAPPC.CV.55262398
cc_srandal

LOUIS J. PERRET
Clerk of Court, Lafayette Parish
P. O. BOX 2009
LAFAYETTE, LA 70502
Telephone: (337) 291-6400

APRIL 24, 2019

FACSIMILE TRANSMISSION RECEIPT

RE: GREENWOOD SHOES INC
VS
LIBERTY MUTUAL INSURANCE CO
DOCKET NUMBER: C-20190669 K

DATE FACSIMILE RECEIVED: APRIL 23, 2019
DESCRIPTION OF PLEADING: AMERICAN FIRE AND CASUALTY COMPANY'S MOTION FOR
EXTENSION OF TIME, ORDER
FILED ON BEHALF OF: AMERICAN FIRE AND CASUALTY CO.
ATTORNEY: CATHERINE FORNIAS GIARRUSSO
RECEIPT FAXED TO NUMBER: (504)589-9701

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The Lafayette Parish Clerk of Court's office will not process from a facsimile filing. We will process from original documents only.

Receipt Acknowledged,

Shirley Randall
Deputy Clerk of Court
Lafayette Parish